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10/602,032	06/24/2003	Yasuhiro Kawakita	31759-190419	9539

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EXAMINER

ROSE, HELENE ROBERTA

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/602,032	Applicant(s) KAWAKITA, YASUHIRO	
	Examiner Helene Rose	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This is a response to the amendment filed on 3/23/2006 in which claims 1-12 are pending.
2. Claims 1 and 12 have been amended; No claims were cancelled; No claims were added.
3. Applicant's arguments filed on 3/23/2006 have been fully considered and amendments to the specification have been fully considered (MPEP 714.04; 37 CFR 1.111) but they are not persuasive.

Information Disclosure Statement

4. The information disclosure statement filed on 06/24/2003 is objected to because it fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy (translation) of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Therefore, the Information Disclosure Statement has been placed in the application file, but the information referred to therein has not been considered.

In response to applicants arguments regarding the Information Disclosure Statement, asking the Examiner to clarify what is meant by "The foreign patent document # JP 11-203189 does not provide a full translation of the foreign patent (emphasis added)". The Applicant must indicate on the Information Disclosure form 1449, what is to be considered, such as the English abstract or English Full translation of document, this must be indicated under the foreign patent document category under the column titled "Pages, Columns, Where Relevant Passages or Relevant Figures Appear".

Claim Rejections – 35 U.S.C - 112

5. Claims 1 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended claims, Claims 1 and 12 recite "a division processing section dividing said unit data into the plurality of information elements based on structural patterns within said unit data that are used to display said information elements included in said unit data" was not cited in the original claim language, nor can

the examiner find this newly added limitation within the specification. Therefore, claims 1 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claim Rejections – 35 U.S.C – 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2 and 4-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Carley et al (US Patent No. 6,701,345).

Claim 1:

Regarding claim 1, Carley teaches an information processing system for processing unit data (see Figure 1, all features, Carley) including a plurality of information elements (see Figure 3, diagram 304 and column 13, lines 35-37, Carley) partitioned at predetermined divisions (column 13, lines 38-40, Carley), the system (see Figure 1, all features, Carley) comprising: a division processing section dividing said unit data into the plurality of information elements based on **structural patterns within said unit data that are used to display said information elements included in said unit data** (see Figure 5, diagram 506, wherein dividing the data into divisible portions, column 81, lines 20-21, wherein structural pattern is defined to be design patterns that ease the design by identifying simple way to realize relationships between entities, wherein bridge pattern is a structural pattern, wherein defined in column 81, lines 20-21, states the engagement team can build bridges between components, column 14, lines 35-52, wherein the data includes medical records, data is interpreted to be the unit data, and information elements is interpreted to be medical records, wherein the data is downloaded from the user station, a

status of the download of the data is transmitted to the user station in operation, the status is displayed as it is received, wherein in operation the data is divided into divisible portions, each if the divisible portions of the data is checked in operation to validate that the data meets the predetermined criteria such that it includes the certain content, wherein a message is sent to the user station indicating whether the divisible portions of the data meet the predetermined criteria, the data is loaded into operation, wherein it may include medical records, in which medical records is interpreted to be a structural pattern as well because it defines histories, reports, diagnoses, prognoses, interpretations, and other data or records, written or electronic, that pertain to a patient's medical condition and which are maintained by a physician, hospital, or other provider of services or facilities for medical treatment, Carley);

a condition determination section supplied (column 13, lines 4-16, Carley) with a select condition (columns 12-13, lines 64-67 and lines 1-4, respectively, Carley), and selecting the information element conformable to the select condition from among the plurality of information elements (column 13, lines 33-41, Carley) obtained by dividing said unit data (column 14, lines 44-48, Carley); and

a notification section notifying a user (column 14, lines 18-23, wherein a user is notified, Carley) of the information element selected by the condition determination section (column 14, lines 48-52, Carley).

Claim 2:

Regarding claim 2, Carley teaches an extraction processing section (column 99, lines 63-65 and column 87, lines 41-43, Carley) allocating a logical structure to each of the information elements (column 99, lines 1-2, Carley) divided by said division processing section (column 45, lines 40-45, wherein logical structure is capable of or reflecting the capability for correct and valid reasoning, Carley), the logical structure indicating a meaning of each information in each of the information elements (column 45, lines 62-63. Carley).

Claim 4:

Regarding claim 4, Carley teaches a compensation processing section (column 13, lines 11-12, wherein an addition of specific materials or device counteract a known error, Carley) determining whether

each of the information elements divided by said division processing section includes insufficient information in light of said logical structure (column 13, lines 10-11, Carley), and compensating for the insufficient information to thereby complete a typical structure if there is the insufficient information (see Figure 2, diagram 232 and column 13, lines 22-26, wherein the structure is separated in a files according to good and bad files, Carley)

Claim 5:

Regarding claim 5, Carley teaches wherein said compensation processing section compensates for said insufficient information by accessing a Web server providing detailed information on the information element including said insufficient information (see Figure 2, all features and column 12, lines 56-67 and lines 1-16, respectively, wherein insufficient information when data does not match, Carley)

Claim 6:

Regarding claim 6, Carley teaches wherein if an excessive description exists in light of said logical structure (column 13, lines 45-52, wherein a data management template may specify specific particular sizes of the files and records to be loaded match the data management template, Carley) compensation processing section delete the excessive description (see Figure 2, column 59, lines 13-18, Carley)

Claim 7:

Regarding claim 7, Carley teaches a storage section (see Figure 1, diagram 120 and column 28, lines 26-27, Carley) storing one of said unit data (column 28, lines 47-59, Carley) and said information elements (see Figure 3, diagram 304 and columns 28-29, lines 61-67 and lines 1-4, Carley).

Claim 8:

Regarding claim 8, Carley teaches wherein said storage section stores identification information for identifying said unit data (column 79, lines 36-39, wherein customer number is used for identifying applications and column 37, lines 61-63, wherein request ID, refers to same question, Carley).

Claim 9:

Regarding claim 9, Carley teaches a search section (column 16, lines 34-35, Carley) receiving an input of a search keyword or a question sentence (see Figure 7, diagram 702 and column 15, lines 24-27, Carley), and thereby executing a search to articles stored in said storage section (column 13, lines 2-9, Carley) and returning an answer sentence in response to a search result or the question sentence (column 37, lines 35-41, Carley).

Claim 10:

Regarding claim 10, Carley teaches a translation section translating said information elements into a different language (column 94, lines 37-44, wherein tools are used to translate elements into different languages, Carley).

Claim 11:

Regarding claim 11, Carley teaches wherein said unit data is a mail magazine (columns 4-5, lines 65-67 and lines 1-2, respectively, wherein the data is medical records, Carley).

Claim 12:

Regarding claim 12, Carley teaches an information processing method for processing unit data (see Figure 1, all features, Carley) including a plurality of information elements (see Figure 3, diagram 304 and column 13, lines 35-37, Carley) partitioned at predetermined divisions (column 13, lines 38-40, Carley), comprising the steps of:

allowing a division processing section to divide said unit data into the plurality of information elements based on **structural patterns within said unit data that are used to display said information elements included in said unit data** (see Figure 5, diagram 506, wherein dividing the data into divisible portions, column 81, lines 20-21, wherein structural pattern is defined to be design patterns that ease the design by identifying simple way to realize relationships between entities, wherein bridge pattern is a structural pattern, wherein defined in column 81, lines 20-21, states the engagement team can build bridges between components, column 14, lines 35-52, wherein the data includes medical

records, data is interpreted to be the unit data, and information elements is interpreted to be medical records, wherein the data is downloaded from the user station, a status of the download of the data is transmitted to the user station in operation, the status is displayed as it is received, wherein in operation the data is divided into divisible portions, each if the divisible portions of the data is checked in operation to validate that the data meets the predetermined criteria such that it includes the certain content, wherein a message is sent to the user station indicating whether the divisible portions of the data meet the predetermined criteria, the data is loaded into operation, wherein it may include medical records, in which medical records is interpreted to be a structural pattern as well because it defines histories, reports, diagnoses, prognoses, interpretations, and other data or records, written or electronic, that pertain to a patient's medical condition and which are maintained by a physician, hospital, or other provider of services or facilities for medical treatment, Carley);

allowing a condition determination section to be supplied (column 13, lines 4-16, Carley) with a select condition (columns 12-13, lines 64-67 and lines 1-4, respectively, Carley), and to select the information element conformable to the select condition from among the plurality of information elements (column 13, lines 33-41, Carley) obtained by dividing said unit data (column 14, lines 44-48, Carley); and

allowing a notification section to notify a user (column 14, lines 18-23, Carley) of the information element selected by the condition determination section (column 14, lines 48-52, Carley).

Claim Rejection – 35 U.S.C 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carley et al (US Patent No. 6,701,345) in view of Conklin et al (US Patent No. 6,338,050).

Claim 3:

Regarding claim 3, Carley discloses utilizing allocation of said logical structure in a Standard Generalized Markup Language (SGML) such as HTML; However, Carley is silent to wherein the term "XML" is utilized for allocation of logical structure. On the other hand, Conklin discloses wherein XML (extensible Markup Language) is utilized for allocation of said logical structure (see Figures 10-1 10-3, all features and column 28, lines 7-17, wherein it allocates the logical structures to its respective divided articles, Conklin). It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify Carley with Conklin teaching wherein XML is utilized for allocation of said logical structure. A skilled artisan would have been motivated to do so by incorporating eXtensible Markup Language (XML, hereinafter) because XML, is designed to meet the challenges of large-scale (excessive) electronic publishing such as a magazine and articles, wherein articles (XML documents) are already made up of storage units called entities, which defines either parsed or unparsed data in a logical structure.

Examiner Response

10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., dividing the data based on structural patterns within the data that are used to display the information elements included in the unit data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

However, Carley et al does disclose "*dividing the data based on structural patterns within the data that are used to display the information elements included in the unit data*" (see Figure 5, diagram 506, wherein dividing the data into divisible portions; column 81, lines 20-21, wherein structural pattern is defined to be design patterns that ease the design by identifying simple way to realize relationships between entities, wherein bridge pattern is a structural pattern, wherein defined in column 81, lines 20-21, states the engagement team can build bridges between components, column 14, lines 35-52, wherein the

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data includes medical records, data is interpreted to be the unit data, and information elements is interpreted to be medical records, wherein the data is downloaded from the user station, a status of the download of the data is transmitted to the user station in operation, the status is displayed as it is received, wherein in operation the data is divided into divisible portions, each if the divisible portions of the data is checked in operation to validate that the data meets the predetermined criteria such that it includes the certain content, wherein a message is sent to the user station indicating whether the divisible portions of the data meet the predetermined criteria, the data is loaded into operation, wherein it may include medical records, in which medical records is interpreted to be a structural pattern as well because it defines histories, reports, diagnoses, prognoses, interpretations, and other data or records, written or electronic, that pertain to a patient's medical condition and which are maintained by a physician, hospital, or other provider of services or facilities for medical treatment, Carley).

Prior Art Made of Record

1. Carley et al (US Patent No. 6,701,345) discloses a notification of when multiple users attempt to alter the same data may first begin when the connections to plurality of user stations are monitored, wherein an instruction for initiating a load process is received from a user station.
2. Conklin et al (US Patent No. 6,338,050) discloses a multivariate negotiations engine for international transaction processing which enables a sponsor to create and administer a community between participants buyers and sellers having similar interests; allowing a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms, request sample quantities, and track activity; allowing a seller/participant to use remote authoring templates to create a complete Website for immediate integration and activation in the community, to evaluate proposed buyer orders and counteroffers, and to negotiate multiple variables such as prices, terms, conditions etc., iteratively with a buyer.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene R. Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helene R Rose
Technology Center 2100
May 23, 2006



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PRIMARY EXAMINER